

**AMENDMENTS TO THE DRAWINGS**

The attached sheet of drawings includes changes to figure 5. This sheet includes figure 5 and replaces original sheet including figure 5. The word "private" has been spelled correctly.

Attachment: Replacement Sheet  
Annotated Sheet Showing Changes

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 8-11 are currently pending. Claim 8 is independent. Claims 1-7 and 9-122 have been previously canceled. No new matter has been introduced by this amendment. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 8-9 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,044,396 to Adams (hereinafter, merely "Adams") in view of U.S. Patent No. 5,506,844 to Rao (hereinafter, merely "Rao").

Claim 8 recites, *inter alia*:

"A data multiplexing device comprising:

... a multiplexing means which has a switch means for switching said buffer memories and which time-division multiplexes said plurality of packet data strings to provide an output by sequentially time-division switching said buffer memories with said switch means,

wherein said transport stream packets comprise a scramble key extract means for extracting from the multiplexed data a scramble key corresponding to each data element and a descramble means

for descrambling the transport stream packet for each data element contained in the multiplexed data by using a scramble key extracted by the scramble key extract means, so that each data element can be descrambled separately by descrambling the transport stream packet for each data element corresponding to a scramble key by using the scramble key; and... ” (emphasis added)

As understood by Applicants, Adams relates to a system for utilizing the available bit rate in a constrained variable bit rate channel. The transmission of encoded information streams is controlled by limiting a variable bit rate to a predetermined maximum value. A multiplexer multiplexes the encoded information streams with a secondary information stream for transmission over the channel. The rate of the secondary information stream may be controlled by a transmission control protocol where the rate is adjusted by adjusting a transmit window of the protocol. Encoded information streams are given higher priority than the multiplexed information streams. A selector allocates the information streams in accordance with the priority allocation based on content of the information streams.

As understood by Applicants, Rao relates to a statistical multiplexer that selectively passes packets of encoded data from a plurality of encoders to a communication channel so as to maximize the quality of the encoded data. The statistical multiplexer determines what fraction of the communication channel capacity should be allocated to an application so as to optimize the quality of the decoded signals of the applications processed by the statistical multiplexer. A table is stored in a memory of the statistical multiplexer that has an entry for each unit of encoded data that can be transmitted over the communication channel in a predetermined time interval. The statistical multiplexer accesses each entry in the table to obtain an address, to an encoder that can transmit the next unit of encoded data to the communication channel. The statistical multiplexer dynamically adjusts the data compression rate for each variable rate

application so that the quality of all the encoded data streams are optimized over a window, and builds a new table that reflects the adjusted rates.

Applicants submit that Adams and Rao, taken alone or in combination, fail to teach or suggest the above identified features of claim 8. Specifically, Applicants submit Adams and Rao do not teach or suggest a scramble key extract means for extracting from the multiplexed data a scramble key corresponding to each data element and a descramble means for descrambling the transport stream packet for each data element contained in the multiplexed data by using a scramble key extracted by the scramble key extract means, so that each data element can be descrambled separately by descrambling the transport stream packet for each data element corresponding to a scramble key by using the scramble key, as recited in claim 8.

Therefore, Applicants submit that claim 8 is patentable.

### III. DEPENDENT CLAIMS

The other claims are dependent from the independent claim, discussed above, and are therefore believed patentable for at least the reasons described herein. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

### CONCLUSION


In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited references, it is respectfully requested that the Examiner specifically indicate those portions of the references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are in condition for allowance and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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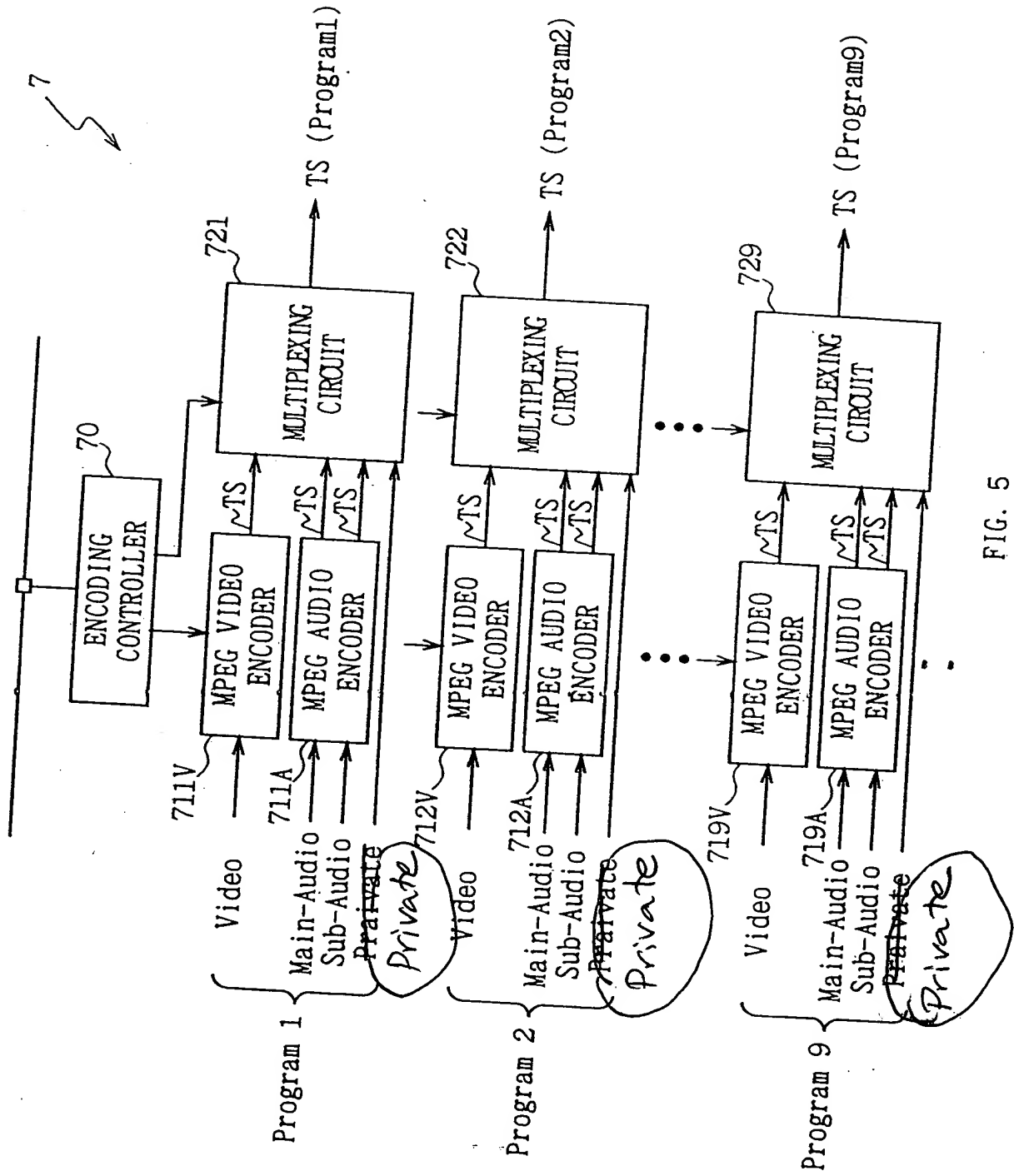


FIG. 5